

# cracking COLD CASES

**S**ince 2004, Denver, Colorado's cold case team has arrested 75 suspects of heinous, unsolved crimes. Denver prosecutors, laboratory scientists and police officers worked closely together and tracked down these rapists and killers in an assembly-line fashion. So, it is no surprise, the successful methods of this innovative team are now being copied by agencies across the United States. What is surprising is that their results have gotten global attention, as the state's number of cracked cases is equal to—if not greater than—the total number of cold cases that have been solved in entire foreign countries.

Since its inception, Denver Police Department's cold case unit has thoroughly reviewed 304 unsolved murder cases and 186 sex crimes dating back to the 1970s. They performed lab tests on 202 of the murder cases, identifying suspects in 14 of those cases. This led to nine arrests. Successful lab tests also led to arrests in 66 rape and molestation cases! In addition to the astounding number of arrests, the unit also cleared 91 cases, meaning that the killers or rapists were identified, but the victims declined to testify or the suspect had died before being brought to justice.

## A Small Start

Denver's cold-case project was an initiative started by a small handful of men. Denver Police Division Chief **David Fisher** was spurred into action after attending a meeting of Families of Victims of Homicide and Missing Persons [FOHVAMP] <[www.unresolved-homicides.org/](http://www.unresolved-homicides.org/)> in 2003. That same night, he called the police chief about the large number of local families who were affected by violent crime and remained hopeful that their cases might one day be solved.

**Gregory LaBerge**, Scientific Director and Bureau Commander of the Denver Police Department Crime Laboratory was contacted. Before his promotion to that position, LaBerge

was responsible for the operation of the Forensic Biology/DNA Section of the laboratory and, in cooperation with Lt. Jon Priest of Denver's Major Case Unit, started a cold case project in 1999. LaBerge diligently applied for several U.S. Justice Department grants, eventually netting Denver millions of dollars for their new cold case project.

District Attorney **Mitch Morrissey** was brought on board to establish a protocol for DPD detectives and crime-scene analysts to follow. When a DNA match was made, prosecutors from the D.A.'s office were to brainstorm alongside police before the cold cases were reopened, and new investigations were begun.

By 2004, the cold case project officially got off the ground and Fischer assigned one detective, Sgt. Anthony Parisi, to the task full-time. Investigators within the Crimes Against Persons Bureau coordinated with the Crime Lab personnel and pored over thousands of files in the first six months. They started with cases that had the greatest likelihood of being solved. Then, the painstaking enterprise of cross-checking storage boxes to confirm that all the items (e.g. murder weapons, clothes, or other objects containing traces of blood, semen, saliva or hair) were still in evidence.

## Denver's Dedication

Currently, nine full-time detectives, the Command Staff, Crime Lab and Victim Assistance Unit [VAU] Cold Case Program Coordinator make up the Denver Police Department's Cold Case Unit. As Division Chief of Investigations, DC Fisher manages the Special Investigations Bureau, Vice/Drug Control Bureau, Property Crimes Bureau, Crimes Against Persons Bureau, Crime Laboratory and new Cold Case Unit. Fisher decided there was something lacking in his newest program and created a position for a full-time victim-assistance specialist. The VAU Cold Case Coordinator goes with detectives when they first meet the victims of sex crimes, or the families of murder victims from reopened cases.

Initial contact with either victims, or victim's families, tend to be very emotional occasions. Fischer wanted to have someone on staff who could meet the needs—including providing counseling—of those who may have been suffering silently for decades. The detectives have found how a first meeting is handled makes all the difference when it comes time for the injured party to decide if they are willing to testify against a suspect.

As VAU Cold Case Coordinator, **Sarah Chaikin** not only works side by side with the detectives, she serves as the primary point of contact for victims

and family members. She assists them with relevant resources and remains on call as the reopened case proceeds. At this time, the VAU program is the only one of its kind in the nation.

### DNA – Damning Evidence

As of July 1, 2007, the Colorado Victim Rights Act was revised to state that after one year of remaining unsolved, felony crimes will now be classified as “cold cases.” Originally, a case went “cold” once all investigative leads were exhausted and resulted in no identifiable suspects. Detectives would pull out such cases and work on them when their schedules allowed—as you can imagine, that was not very often.

Recent developments in DNA technology now allow DPD to reevaluate evidence in these older cases where physical evidence remains. This has played a key role in the success of Denver’s program. DA Morrissey recognized the potential of DNA science early on, and was the first to prosecute a trial in Denver utilizing DNA evidence in 1988. He collaborates with LaBerge on a DNA Resource website <[www.denverda.org/DNA/DNA\\_INDEX.htm](http://www.denverda.org/DNA/DNA_INDEX.htm)>, which has become an international resource for other prosecutors.

DA Morrissey was one of the key proponents of “Katie’s Law,” named after a 22-year-old woman who was raped, strangled and set on fire by a man released on bond. Passed in 2009, this law allowed for an expanded DNA sampling program. As of September 30, 2010, everything was in place for the law to go into effect; all people arrested on suspicion of a felony were required to submit a DNA sample. By 2011, agencies across Colorado



Last year, Denver’s crime lab handled more than 10,000 cases. <[www.denvergov.org/CriminalInvestigationsDivision/ColdCaseProject](http://www.denvergov.org/CriminalInvestigationsDivision/ColdCaseProject)>



L-R: Architects with SmithGroup, Adam Denmark and Marc Karnz, DA Mitch Morrissey, Crime Laboratory Director Gregory LaBerge, Crime Laboratory Deputy Director Mark Olin and Project Manager Kent Grissom gather together for a photo during the groundbreaking ceremony for the proposed Crime Lab. Photo courtesy of Michael Bush.

had linked suspects to 40 unsolved sex crimes, burglaries, arsons and robberies. As of February, Denver alone had matches in 24 cases, including two sexual-assault cold cases.

In light of all the accolades the city has received for its use of DNA evidence to crack cold cases, it is somewhat surprising to learn DPD’s forensic scientists have been making due with cramped quarters for many years. LaBerge recalls starting out with a single microscope! However, due to their successes, the department is preparing to build a \$36 million crime laboratory—a fitting facility for a department earning international acclaim.

### Breaking Ground

On March 31, 2011, Denver’s mayor, City officials, police department representatives and community partners held a groundbreaking ceremony to announce that construction had begun on the Denver Police Crime Laboratory, funded by the Better Denver Bond (a program that preserves and creates jobs, stimulates Denver’s economy and improves the city for its residents). The new 60,000 square foot facility will replace the existing 14,000 square foot laboratory currently housed in the Denver Police Administration Building.

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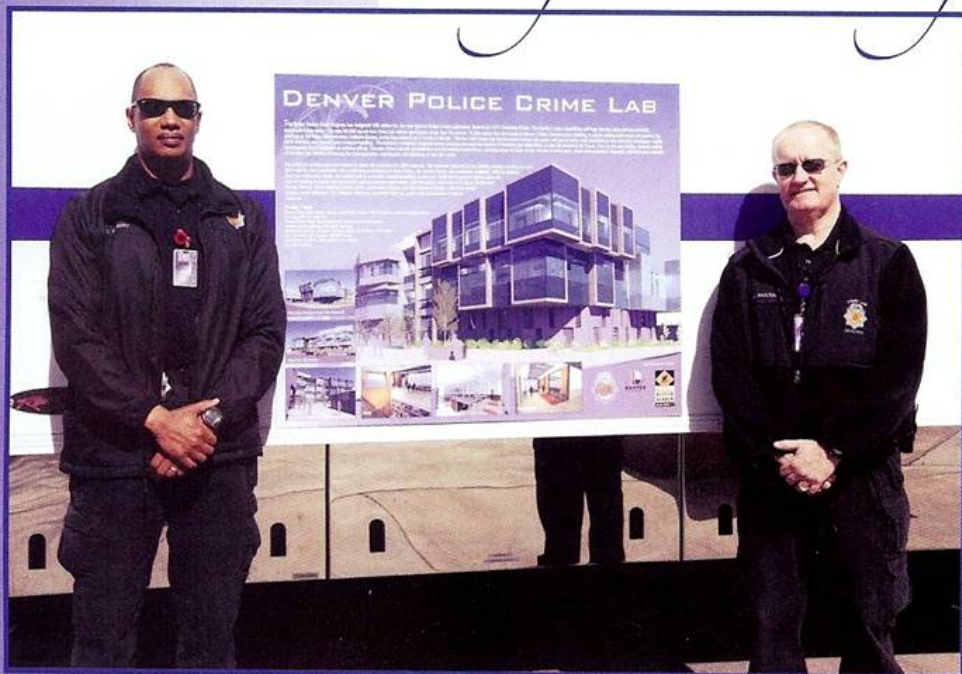
## Combined DNA Index System

Even if no suspects are identified after testing cold case evidence, the DNA profiles are entered into the COMbined DNA Index System [CODIS]. CODIS is a DNA database that is used throughout the United States, listing DNA profiles from known offenders, as well as DNA profiles from crime scenes around the country.

Under “Katie’s Law,” DNA testing is funded by a \$2.50 surcharge for convicted offenders. If no matches are found in CODIS (i.e. felony charges are not filed), the DNA samples are destroyed after a year.

# "We're building an investigative factory"

—Crime Laboratory Director Gregory LaBerge



L-R: Detectives **Kevin Hebert** and **John Saulton** stand on either side of a CAD drawing depicting the future Denver Police Crime Laboratory mounted on the Mobile Crime Unit Vehicle. All photos courtesy of the Denver Crime Lab photographers.

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From the exterior, the architectural design is intended to mimic the structure of a DNA molecule. It also complements the surrounding architecture of Denver's Civic Center.

Furthermore, the building materials were carefully selected to address security measures and longevity. Additionally, under the City's "green" initiatives, the lab is being constructed to achieve LEED Certification (Leadership in Energy and Environmental Design). The new facility will be energy and water efficient, reduce CO2 emissions and feature improved indoor air quality.

The interior was designed using a modular approach which will allow lab personnel greater flexibility as technology and other lab procedures evolve in the future. Moreover, it will also be connected to the Police Administration Complex to ensure maximum protection of forensic evidence, from processing to storage.

Denver is excited about the prospect of improved forensic testing and evidence-handling resources enabled by the new facility. The Denver Police Crime Laboratory will allow DPD to consolidate several units under one

roof—improving communication, coordination and efficiency among them all:

- Crime Scene Investigation Unit
- Forensic Chemistry and Trace Evidence Unit
- Firearms and Toolmarks Unit
- Latent Prints Unit
- Forensic Imaging Unit (video and photographic analysis)
- Forensic Biology and DNA Unit
- Quality Assurance Unit
- Crime Scene Volunteer Unit

In addition, the new lab will have the capacity for on-site vehicle examinations. To date, all examinations of this sort are conducted at external district police offices. Denver anticipates its completion by mid-year 2012.

## **Paying Tribute**

As part of the groundbreaking ceremony, special tribute was paid to Denver's past, present and future victims who stand to benefit from the improved Denver Police Crime Laboratory. Local Catholic priest/police chaplain, Father **Tomasz Wikarski** and a tribal elder from Oklahoma (name unavailable) were both invited to give their blessings.



In addition, two couples who lost children in violent crimes were invited to attend. Joe and Kaye Cannata established *Voices for Victims*, a non-profit organization providing post-sentencing advocacy and support to victims of violent crimes. Howard and Virginia Morton co-founded Families of Homicide Victims and Missing Persons, just two years before making their impact on DC Fischer. FOHVAMP advocates for the families of cold case homicide victims and persons missing under suspicious circumstances in Colorado.

A victim of the 2005 Brent J. Brents case (see inset,) also spoke at the ceremony. She acknowledged how Denver's crime lab technology was imperative to resolving her case. In closing, she expressed how the Crime Lab's improved forensic technologies will benefit future victims in Denver, for years to come. PFIA has the utmost confidence that they will fulfill their destiny in this capacity, as well.

Sources: Kirk Mitchell, *The Denver Post*: "Crack cold-case unit earns Denver recognition, raves" <<http://www.denverpost.com/news/> 11/07/2010 and "New DNA law ties suspects to 40 unsolved Colo. crimes" <[www.denverpost.com/news/ci\\_17408310?source=rss#ixzz1O1sQEfHA](http://www.denverpost.com/news/ci_17408310?source=rss#ixzz1O1sQEfHA)> 2/17/2011.

Kim Ngan Nguyen, *Denver News Staff Writer*: "Brent J. Brents Sentenced To 1,300-Plus Years In Prison" <<http://www.thedenverchannel.com/news/4688806/detail.html>> July 6, 2005

Sergeant Anthony Parisi, *website design & construction for DPD Cold Case Unit* <[www.denvergov.org/CriminalInvestigationsDivision/ColdCaseProject/tabid/430425/Default.aspx](http://www.denvergov.org/CriminalInvestigationsDivision/ColdCaseProject/tabid/430425/Default.aspx)>

Sonny Jackson, *DPD Public Relations and Marketing Coordinator & Michaela Turner, Mayors Office Communications Coordinator*: "City and County of Denver to build a new Denver Police Crime Laboratory" and "Tribute to Denver's Victims and Groundbreaking Ceremony" <[www.denvergov.org/](http://www.denvergov.org/)>

For visuals and more information on the facility, visit: <http://www.denvergov.org/BetterDenver/DPDCrimeLab>



## Cracked Cold Cases

Below is a small list of violent crimes which were solved thanks to the Denver Police Department's Cold Case Unit and accurate DNA matching:

- **Brent J. Brents** — Originally faced 72 felony charges for crimes which occurred between October 2004 and February 2005. Plead guilty in July 2005, to 68 felony counts, including sexual assault, attempted murder, kidnapping, burglary, aggravated robbery, sexual assault on a child, child abuse, menacing, aggravated motor vehicle theft and vehicular eluding. He received the maximum sentence of 1,319 years in prison and will never have parole eligibility.
- **Willie Trimble** — Arrested in December 2007, after being linked by DNA to a sexual assault in 1997, when he raped a woman in an alley, and another in 2007, when he dragged a 61-year-old woman into an alley, raped her and left her to die of exposure. He was convicted in December 2009, for attempted kidnapping of the first woman and first-degree murder and sexual assault on the second. He is serving a life sentence.
- **Roderick Elias** — Arrested in March 2010, for allegedly fatally stabbing 22-year-old waitress Kristen Kay Swanson in 1980.
- **Jody Ray Smith** — Arrested in May 2010, for allegedly raping one female newspaper carrier and the attempted rape of another female carrier on Sept. 23, 1993. He faces four sexual assault, kidnapping and attempted kidnapping charges. Smith is already in state prison, having been sentenced to 18 years for multiple drug charges back in January of 2008.
- **Byron Gay** — Convicted in December 2010, for multiple counts of kidnapping and brutal sexual assault crimes committed in 1993 and 1995. He received three consecutive life sentences, plus 384 years after being linked definitively by DNA evidence.

Computer generated DNA Strand <[http://dna-image.co.cc/images/bx/dna\\_strand.jpg](http://dna-image.co.cc/images/bx/dna_strand.jpg)>